

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 24, 1948

10:35 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call:

Present : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller -5
Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman O. Quinn, City Attorney; R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

The Mayor submitted to the Council for consideration, the request of a committee of the Fire and Police Departments for an increase in salaries of firemen and policemen, declaring that he was favorable to the proposal if additional revenue for same could be found. The matter was discussed at length, including a proposed increase in salaries of other city employees; it being proposed by Councilman Long that a 10% increase in salaries of all employees drawing less than \$3000.00 per year be granted, and by Councilman Johnson that an increase of \$10.00 per month be granted if the money for same could be provided. Upon motion of Councilman Glass, the matter was taken under advisement for further study to determine if a way to finance same could be found.

The public hearing on the application of Mr. and Mrs. W. H. Wuthrich, by Stanford Payne, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "C" Commercial District and Second Height and Area District:

That portion now zoned "A" Residence District of a tract of land located at the southwest corner of the intersection of Georgetown Road and North Loop Boulevard, facing approximately 500 feet on North Loop Boulevard and extending back for a depth of approximately 200 feet, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner, or other interested person, appearing to protest the proposed change, Councilman Johnson moved that the action of the Board of

Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

It was moved by Councilman Glass that the application of James O. Hopkins for a ten-year contract to place advertisements on the City's parking meters be rejected. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of Sidon Harris, by Harold Legge, Agent, for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 815-817 East 32nd Street, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of H. Becker Estate, by H. Becker, Trustee, for change in zoning, from "B" Residence District to "C" Commercial District, of property located at 305-313 Chicon Street, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of Quenton Franks, by John E. Allen, Attorney, for change in zoning, from "A" Residence District to "B" Residence District, of property located at 2410 Leon Street, was received. Councilman Johnson moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of V. G. Okie, by Bert Ford, Attorney, for change in zoning, from "C-1" District to "C-2" Commercial District, of property located at 901-903-905-907-1027 Barton Springs Road, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of Mr. and Mrs. Sandy Fletcher for change in zoning, from "A" Residence District to "B" Residence District, of property located at 1910 East 18th Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Thomas J. North for the laying of certain water mains, sanitary sewer mains and other pipes in Breezy Hollow Addition, Section II, all in accordance with the terms and provisions of a certain contract, a copy of which is attached to this resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS:

COUNTY OF TRAVIS :: KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Thomas J. North, of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer;
W I T N E S S E T H :

I.

(a) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes in Breezy Hollow Addition, Section II, on the streets and at the locations described as follows:

Six-inch (6") cast iron water main in Joe Sayers Avenue, from the north side of the subdivision to the south side of the subdivision, a distance of approximately 300'; in Ullrich Avenue, from Joe Sayers Avenue to Arroyo Seca, a distance of approximately 480'.

(b) The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes in Breezy Hollow Addition, Section II, on the streets and easements at the locations described as follows:

Sewer mains in Ullrich Avenue, from Arroyo Seca to Joe Sayers Avenue; in Joe Sayers Avenue from the north line of Lot #8, Block B, to the south line of Lot #2, Block B.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Thirty-two Hundred and Fifty Dollars (\$3250.00) when completed, of which cost the sum of Seventeen Hundred and Fifty Dollars (\$1750.00) is estimated to be the cost of the water lines and the sum of Fifteen Hundred Dollars (\$1500.00) is estimated to be the cost of the sewer lines; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service and sewer to him, agrees to deposit the sum of Thirty-two Hundred and Fifty Dollars (\$3250.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimated only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to twice the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains and sewer lines, described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection with said water mains and sewer lines, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances, and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Thomas J. North has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

By _____
City Manager

Attest:

City Clerk_____
Thomas J. North

Approved:

Director of Utilities_____
Director of Public Works_____
City Attorney

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III RELATING TO SIGNAL LIGHT LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The Mayor then announced that the ordinance had been finally passed.

The following application for a private boat license, approved by the Navigation Board, was submitted:

<u>Owner</u>	<u>Description .</u>
Chalberg, H. W., Box 166, Austin -	Dixie, Clinker, 1939 Model, "Sylvia", Outboard, 4-passenger

Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of HARVEY WILLIAM GUNTER, 2710 Post Road, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1947 Model, Motor No. P-154 - 63931, State License No. JD-9911, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of WILLIAM W. WATERS, 1304 West 9 $\frac{1}{2}$ Street, for a license to operate as a taxicab a 1946 Model Chevrolet, Motor No. DAA-296664, State license No. JD-1830, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of TALMADGE RAY RUCKER, Dormitory J-2500 San Jacinto Boulevard, for a license to operate as a taxicab, a 1947 Model, Serial No. XBKK-879, Motor No. EAM-67757, State License No. JL-5880, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of ROBERT EUGENE HARRIS, Route 6, Box 59, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of ROBERT EDWARD JACKSON, 607 West 5th Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of LEO HENRY MARTINETTS, 20 Chicon Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of CARL QUINCY MILLARD, Liberty Hill, Texas, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of DEWITT KING WILHITE, 1802 Lavaca Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The application of JONES TAVERN, by Lena Fairchild, 1624 Rosewood Avenue, for a wine and beer license, approved by the City Manager, was submitted.

Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes : None

The City Manager submitted the following memorandums:

"November 23, 1948

Memorandum to : Mr. Morgan, City Manager

Reference : Purchase of Second Duplicate 20,000 KW Turbine Generator

In July we carried on negotiations with Westinghouse Electric Corporation on a second 20,000 KW steam turbine generator to be a duplicate of the one we had placed under order in May, 1947. The Westinghouse Electric Corporation agreed to furnish the second 20,000 KW unit for the same price; namely, \$545,455.00, the same as given to the City of Austin on the first unit, provided the second turbine generator was a duplicate of the first, even tho there have been advances in the prices of copper and steel.

At the time, however, we had not completed our negotiations for a consulting engineering firm. Accordingly, we wrote a "letter of intent" to the Westinghouse Corporation (copy of which is attached hereto) as of July 26, 1948, in order that a place in the manufacturing line be preserved to the City of Austin. At that time the Corporation promised that the earliest delivery which could be made was in June, 1951. Since the Burns & McDonnell Engineering Company have been on the job, we have discussed the second unit. It was felt that by making it a duplicate unit that a considerable savings could be made to the City of Austin in engineering and equipment purchases. I am attaching hereto a letter from the Burns & McDonnell Engineering Company recommending that the City of Austin immediately place an order with the Westinghouse Electric Corporation for this second duplicate unit.

We have been advised by the various manufacturers that should the City of Austin delay and call for further bids on a second unit in the early part of 1949, that delivery of such unit could not be made until the middle of 1952. In other words, that a 12 to 15 months further delay would be the occasion by not taking advantage of this Westinghouse Electric Corporation proposition. It should be mentioned, however, that all electric equipment is now purchased on an escalation clause, with a ceiling of 20%. This clause does work both ways. Should the prices of such equipment go down, the City would receive the benefit of such reduction.

I urge and recommend that the City of Austin take advantage of this proposition and immediately place an order for the second 20,000 KW steam turbine generator. The grace period for the acceptance of this offer expires this November.

(Sgd) Walter E. Seaholm
Director of Utilities."

"November 23, 1948

Memorandum to : Guiton Morgan, City Manager

Reference : Purchase of Second Duplicate 17,000 Square Foot Surface
Condenser

Negotiations were likewise continued with the Westinghouse Electric Corporation in regard to a condenser for the second 20,000 KW steam turbine generator. They agreed to furnish this second unit for \$89,000.00, provided it was a duplicate of the first. This price is also subject to a escalation clause with a ceiling of 20%. However, should the prices of such equipment go down the City would receive the benefit of such reduction in prices.

The price quoted is approximately 15% below the present market prices on such equipment; however, this doesn't mean too much inasmuch as the escalation clause would protect the manufacturer to this extent. However, should the prices go materially higher we would be protected by the limit of 20% over the quoted price. Copper is the principal material used in this piece of equipment and it is subject to considerable fluctuation, and it is rumored that a further increase is in the immediate offing.

The Westinghouse Electric Corporation does agree to furnish two 2' extensions to the condenser neck that would be required in their installation. These would cost approximately \$2,000 additional. The Westinghouse Electric Corporation would furnish these two extensions without any additional cost if they are given the order for the second condenser. I recommend that this condenser be purchased from the Westinghouse Electric Corporation.

(Sgd) Walter E. Seaholm
Director of Utilities. "

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, pursuant to resolution adopted by the City Council September 18, 1947, the City of Austin, acting by and through Guiton Morgan, its City Manager, entered into a contract with Westinghouse Electric Corporation for the purchase of one (1) 20,000 KW, 3600 rpm, AIEE-ASME Standardized Steam Turbine Generator for a purchase price of \$545,455.00, and one (1) 17,000 square foot surface condenser and auxiliaries for a purchase price of \$82,268.00, said turbine generator unit and condensor with auxiliaries to be delivered in January of 1950; and

WHEREAS, by virtue of said existing contracting, the City of Austin is able to duplicate each of said units by additional purchase at \$545,455.00 for the steam turbine generator unit and \$89,000.00 for the condensor with auxiliaries; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to enter into a contract with Westinghouse Electric Corporation for the purchase of one (1) 20,000 KW, 3600 rpm, AIEE-ASME Standardized Steam Turbine Generator at \$545,455.00 and one (1) 17,000 square foot surface condensor and auxiliaries at \$89,000.00 with delivery to the City of Austin not later than March, 1951.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

Marvin Nowotny came before the Council and submitted an offer to sell the City his property at 1027 East 52nd Street for right-of-way for inter-regional highway for a consideration of \$4,000.00 and he retain the house and garage now on the property. This offer not being accepted, he then submitted an offer of \$3800.00 and he retain the house and garage. It was agreed by the Council that this last-named offer of \$3800.00 be accepted, with the stipulation that the house and garage be moved off the lot within thirty days.

The City Manager submitted the following memorandum:

"November 24, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Breezy Hollow, Section II, has been completed and was approved by the City Plan Commission on October 14, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J.E.Motheral

Approved:

(Sgd) Guiton Morgan, City Manager. "

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Breezy Hollow Addition"

Section II", approved by the City Plan Commission of the City of Austin on October 14, 1948, be, and the same is hereby, accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes : None

The following citizens were appointed as members of the seven-member Advisory Board to study the application of the Southwestern Bell Telephone Company for an increase in its rates, and make its recommendations to the City Council:

Eugene Sanders;
Mrs. J. W. Bradfield;
V. D. Sylvester;
A. J. Maloney;
Stuart A. MacGorkle

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

Tom Miller

MAYOR

Attest:

Lillian M. Keller

CITY CLERK